

Reconsideration and Appeals

Current as of 12/29/09

Should I reconsider or appeal the Client Services Division's decision not to authorize reimbursement of a claimed expense for my Real Estate Reimbursement Claim?

Basis for CSD's Decisions:

Certain expenses you have claimed may have been denied. The basis and regulatory/legal authority for such denials will be explained within the Client Services Division's Memorandum to DFAS contained in your completed claims packet.

Often such denials are based on lack of regulatory/legal authority to reimburse an expense or lack of substantiation. Pursuant to JTR, Volume II, Chapter 5, Part P; 41 CFR Part 302; 5 USC 5724a; decisions of the Comptroller General, the General Services Administration Board of Contract Appeals, and the Civilian Board of Contract Appeals, the claimant bears the burden of proving/establishing that a claimed expense is reimbursable.

All expenses for which reimbursement is requested must be authorized by specific authority under regulation or law. If a specific authority does not provide for reimbursement, then a claimed expense must be denied. Further, even if an expense is otherwise reimbursable, it may only be reimbursed if it is actually paid by the claimant and may only be reimbursed up to but not exceeding specific amounts stated in regulation and law (such as a 1% loan origination fee) or, in the absence of a specific limitation, to the amount customarily paid in the residence locality in which a purchase or sale was made.

If You Want to File for Reconsideration:

If you disagree with the decision contained in the memorandum to DFAS, you may request that it be reconsidered. A request for reconsideration must be submitted to the CSD using the enclosed Reconsideration Request Form and within 15 days of your receipt of the CSD's Memorandum to DFAS contained in your completed claims packet. Requests must specify why you think a denied expense should be reimbursed, cite the supporting regulatory/legal authority, and be accompanied by the appropriate documentation. Reconsideration requests failing to meet this requirement may be denied on this basis alone.

What Happens to My Reconsideration Request?:

Your reconsideration request will reenter the processing queue and will be processed only after initial claims and other reconsideration requests already in the processing queue have been adjudicated. Claimants will be notified by letter regarding the CSD's decision on your request. Claimants may address any comments concerning their reconsideration request to the Client Services Division, Office of the Staff Judge Advocate, Bldg 4305 Susquehanna Ave., 3rd Floor, Room 346, US Army Garrison Aberdeen, Aberdeen Proving Ground, Maryland 21005, Phone number 410-278-1583.

If You Want to File an Appeal:

If you disagree with the decision contained in the memorandum to DFAS and choose not to request reconsideration, or if you have filed a request for reconsideration and are not satisfied with the response, you may file an appeal with the Civilian Board of Contract Appeals (CBCA). Any appeal must be in writing and signed. Appeals should be directed to the Clerk of the Board, Civilian Board of Contract Appeals, 1800 F. Street, N. W., Washington, D.C. 20405. No particular form is required. The request should describe the basis for the claim and state the amount sought. For more information on the content of the appeal and the appeal process see <http://www.cbca.gsa.gov>.

Real Estate Reimbursement Claim Reconsideration Request Form

Italicized example contained in row one of worksheet

Denied Expense	Line # HUD-1	\$ Amount Claimed	Basis for reconsideration	Regulatory/Legal Authority	List of Substantiating Documents
<i>Loan Processing Fee</i>	<i>803</i>	<i>500.00</i>	<i>Initially denied because I failed to provide information to CSD regarding why this fee was charged. Letter from lender attached shows this fee was for the administrative costs of processing the loan and did not contain prepaid interest, points, or a mortgage discount. I did not pay a 1% loan origination fee.</i>	<i>JTR C5756-A4a(2) GSBCA 16815-Relo (31 August 2006)</i>	<i>Letter from lender.</i>

Attach reference sheets as needed